

procedures established by the Director of Central Intelligence for that purpose.

D. Special procedures of the National Security Agency apply to the review and declassification of classified cryptologic information. The following shall be observed in the review of such information:

1. *COMSEC Documents and Materials.* If records or materials in this category are found in agency or department files that are not under COMSEC control, refer them to the senior COMSEC authority of the agency or department concerned or by appropriate channels to the following address:

Director, National Security Agency/Central Security Service, Attn: D4/I, Fort George G. Meade, MD 20755.

2. *SIGINT Information.*

a. If the SIGINT information is contained in a document or record originated by a DoD cryptologic organization, such as the National Security Agency, and is in the files of a noncryptologic agency or department, such material will not be declassified if retained in accordance with an approved records disposition schedule.

b. If the SIGINT information has been incorporated by the receiving agency or department into documents it produces, referral to the National Security Agency is necessary prior to any declassification action.

H. E. Lofdahl,

Director, Correspondence and Directives,
Washington Headquarters Services,
Department of Defense.

August 8, 1979.

[FR Doc. 79-24863 Filed 8-10-79; 8:45 am]

BILLING CODE 3810-70-M

32 CFR Part 360

[DOD Directive 5105.40]

Defense Mapping Agency

Correction

In FR Doc. 78-33889 appearing at page 56894 in the issue for Tuesday, December 5, 1978, on page 56897, first column, insert the following at the end of the document before the FR document line:

"The Director, DMA, may redelegate these authorities as appropriate, and in writing, except as otherwise specifically indicated above or as otherwise provided by law or regulation.

This collection of regulations is effective immediately.

C. W. Duncan, Jr.,
Deputy Secretary of Defense."

BILLING CODE 1510-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 79-116]

Drawbridge Operation Regulations;
Chehalis River, Washington

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Union Pacific Railroad bridge across the Chehalis River at South Montesano is no longer used for train traffic and is currently being maintained in the open to navigation position pending its removal. As this regulation change merely reflects current conditions, the Coast Guard finds that notice and public procedure is unnecessary. When this bridge is removed, these regulations will be revoked.

EFFECTIVE DATE: This amendment is effective on August 13, 1979.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief Drawbridge Regulations Branch (C-WBR/73), Room 7300, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-0942).

Drafting Information

The principal persons involved in drafting this rule are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Coleman Sachs, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.810(f)(7).

§ 117.810 Navigable waters in the State of Washington; bridges where constant attendance of draw tenders is not required.

(f) . . .
(7) Chehalis River, Union Pacific Railroad bridge at South Montesano. The draw shall be maintained in the open to navigation position.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

Dated: August 3, 1979.
R. H. Scarborough,

Vice Admiral, U.S. Coast Guard, Ac
Commandant.

[FR Doc. 79-24868 Filed 8-10-79; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[CGD 7-79-09]

Safety Zone—Moving Safety Zone
Around the U.S.S. "Simon Lake" in the
St. Mary's River, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Coast Guard Safety Zone Regulations establishes a moving safety zone around the USS SIMON LAKE during the period of its arrival, transit, and mooring in the waters of St. Mary's River. This zone has been instituted to provide an exceptional degree of safety and control for the period of time that the vessel is transiting the St. Mary's River on 2 July 1979.

EFFECTIVE DATE: This amendment becomes effective at 0600, 2 July 1979 and remains in effect until the vessel moors at Kings Bay Trident Sub Base or until 2400, 2 July 1979 whichever is earlier.

FOR FURTHER INFORMATION CONTACT: C. T. SCHMINCKE, Senior Port Security Officer, Captain of the Port, Jacksonville, FL 2831 Talleyrand Ave., Jacksonville, FL 32206, 904-791-2648.

SUPPLEMENTARY INFORMATION: This Safety Zone will be a moving safety zone enforced by representatives of the Captain of the Port, Jacksonville, FL. In addition, the USS SIMON LAKE will be escorted by the Coast Guard Patrol boat. As provided in the General Safety Zone Regulations (33 CFR 165.20) no person or vessel may enter a safety zone unless authorized by the Captain of the Port or the District Commander. These General Regulations and other regulations in 33 CFR 165 apply to the safety zone established for the navigable waters within 100 feet of the USS SIMON LAKE while it is transiting the St. Mary's River.

An opportunity to comment on this safety zone as a proposed rule has not been provided and good cause exists for making the zone effective immediately. A determination has been made that to do otherwise would be both impracticable and contrary to the public interest. In view of the arrival schedule of the USS SIMON LAKE there is not sufficient time to allow an opportunity

153.13 Payment of tribal fees.

Subject to the provisions of § 153.20, fees and taxes exclusive of annual grazing rental provided for in § 153.8 which may be assessed by the respective tribes in connection with grazing permits shall be billed for by the respective tribe and paid annually in advance to the designated tribal official. Failure to make payments will subject the grazing permit to cancellation and may disqualify the permittee from receiving future permits so long as he is delinquent.

(7) Finally, a new section to provide for the issuance of grazing permits to persons awaiting relocation as added. The section provides as follows:

153.20 Grazing privileges of persons awaiting relocation.

Any person awaiting relocation, as defined in § 153.1(h), shall be eligible for a grazing permit for lands within the former joint use area under the following terms and conditions.

(a) The project officer shall first verify that an applicant meets the criteria of the definition, § 153.1(h).

(b) Permits will be issued by the Project Officer directly to persons awaiting relocation. The permit will not authorize the grazing of more livestock than the person was grazing at the time of the entry of the Judgment of Partition; nor will more than a subsistence number of livestock be permitted to a person. The determination of the person to whom permits will be issued and the subsistence number of livestock to be permitted to a person will be based on information provided by the permit applicant and an assessment of the following factors: (1) The number of dependents in the household and their dietary and household needs; and (2) the age, education and income prospects of the applicant.

(c) The permit shall be for a specific number and kind of animal(s) which shall not exceed the number of animal units of the Flagstaff Administrative Office's livestock inventory as of February 10, 1977. No such permits will be issued that exceed one-half the carrying capacity of a range unit.

(d) Grazing fees will be assessed and paid in accordance with the Settlement Act provision for rental of the other tribe's lands by persons who are not members, 25 U.S.C. § 640d-15. The project officer will determine the fair rental value as grazing fees and the respective tribes will be responsible for payment of the fees for their members' use. Other fees and/or taxes may be separately assessed by the tribe on whose lands the person is awaiting

relocation is grazing permitted livestock, but such fees and/or taxes shall not be assessed at a rate greater than that charged to members of the tribe on whose reservation lands the person grazes the livestock.

(e) Subject to the provision of § 153.10(b), permits shall expire when the person awaiting relocation is relocated pursuant to the Settlement Act or on the date a final order is entered (and any appeals concluded) requiring the person to relocate, whichever is earlier. No permit will be issued for a term greater than one year. Permits may be reissued upon application and redetermination of eligibility. All permits will expire at the end of the period provided by the Settlement Act for the completion of relocation, 25 U.S.C. § 640d-13(e). If and when a Navajo permit holder discontinues grazing animals, whether by reason of his relocating or for any other voluntary reason, his grazing permit shall be canceled and no permit shall be issued in lieu thereof; and the number of animals being grazed by the Navajo permit holders shall be reduced by the number of animals covered by the canceled permit.

Forrest J. Gerard,

Assistant Secretary-Indian Affairs.

August 8, 1979.

[FR Doc. 79-24893 Filed 8-10-79; 8:45 am.]

BILLING CODE 4310-02-M

DEPARTMENT OF DEFENSE**Office of the Secretary****32 CFR Part 158**

[DoD Directive 5200.30]¹

Guidelines for Systematic Review of 20-Year-Old Classified Information in Permanently Valuable DoD Records

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This rule establishes Department of Defense (DoD) policies and procedures for the systematic declassification review of 20-year-old DoD classified information in permanently valuable records. It describes categories of information that are subject to declassification review and provides declassification considerations for use during such reviews. It is a requirement of Executive Order 12065, "National Security

¹ Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

Information," June 28, 1978, that DoD establish and maintain guidelines for systematic review covering 20-year-old classified information under its classification jurisdiction.

EFFECTIVE DATE: June 18, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Arthur F. Van Cook, Director of Information Security, ODUSDP(PR), Office of the Under Secretary of Defense for Policy, The Pentagon, Washington, D.C. 20301, Telephone 202-695-2289.

Accordingly, we are amending 32 CFR Chapter I by adding a new Part 158, reading as follows:

PART 158—GUIDELINES FOR SYSTEMATIC REVIEW OF 20-YEAR-OLD CLASSIFIED INFORMATION IN PERMANENTLY VALUABLE DoD RECORDS**Sec.**

- 158.1 Purpose.
- 158.2 Applicability and scope.
- 158.3 Definitions.
- 158.4 Policy and procedures.
- 158.5 Responsibility and authority.

Enclosure 1—Categories of Information to be Reviewed for Declassification.

Enclosure 2—Declassification Considerations.

Authority.—Executive Order 12065.

§ 158.1 Purpose.

This part reestablishes the policies contained in Secretary of Defense Memorandum, "Declassification of World War II Records," May 3, 1972 and Deputy Secretary of Defense Memorandum, "Downgrading and Declassification of Historical Records," April 12, 1974; establishes guidelines for the systematic declassification review of 20-year-old information classified under Executive Order 12065, "National Security Information," June 28, 1978. Information Security Oversight Office Directive No. 1 Concerning National Security Information, October 2, 1978 (43 FR 46280), 32 CFR Part 159, and prior orders, directives and regulations governing security classification; implements section 3-402 of Executive Order 12065; and delegates authority to implement the DoD systematic declassification review guidelines.

§ 158.2 Applicability and scope.

(a) The provisions of this part apply to the Office of the Secretary of Defense and to activities assigned for administrative support, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to as "DoD Components").

[See, esp. "Definitions" (p. 47333) and items K (p. 47334) & D (p. 47335)]

Approved For Release 2002/03/25 : CIA-RDP85B00236R000100040004-6

(b) This part applies to the systematic review of 20-year-old permanently valuable classified information, material, or records developed by or for the Department of Defense and its Components, or its predecessor components and activities, that are under the exclusive or final original classification jurisdiction of the Department of Defense. Accordingly, information that is foreign government information; Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954; or in nonpermanent records is outside the scope of this part.

§ 158.3 Definitions.

(a) *Cryptologic Information.*

Information pertaining to the activities and operations involved in the production of signals intelligence or to the maintenance of communications security.

(b) *Intelligence Method.* Any human or technological method that is or may be used to collect or analyze foreign intelligence or foreign counterintelligence.

(c) *Intelligence Source.* Any human or technological source from which foreign intelligence or foreign counterintelligence is, has been, or may be derived.

(d) *Foreign Government Information.* Information that is provided to the United States by a foreign government or international organization of governments in the expectation, expressed or implied, that the information is to be kept in confidence; or produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written-joint-arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

§ 158.4 Policy and procedures.

(a) DoD classified information that is permanently valuable, as defined by 44 U.S.C. 2103, shall be systematically reviewed for declassification when it is 20 years old whether the information:

(1) Has been transferred to the General Services Administration for accession into the Archives of the United States or in the possession and control of the Administrator of General Services under 44 U.S.C. 2107 or 2107 note, or

(2) Is in the possession or control of DoD Components.

(b) The transition to systematic review at 20 years shall be implemented as rapidly as possible, and completed by December 1, 1988.

(c) When DoD classified information becomes 20 years old, it shall be:

(1) Declassified automatically if it is not within one of the categories specified in enclosure 1.

(2) Reviewed for declassification by responsible DoD reviewers in accordance with enclosure 2 if it is within any of the categories specified in enclosure 1.

(d) Systematic review for declassification shall be in accordance with procedures contained in DoD 5200.1-R. Information that falls within any of the categories in enclosure shall be declassified if the designated DoD reviewer determines, in light of the declassification considerations of enclosure, that classification is no longer required. In the absence of such a determination, the designated DoD reviewer shall recommend continued classification in accordance with the procedures of DoD 5200.1-R.

§ 158.5 Responsibility and authority.

(a) The Deputy Under Secretary of Defense for Policy Review shall:

(1) Exercise oversight and policy supervision over the implementation of this part;

(2) Request DoD Components to review enclosures 1 and 2 of this part every 2 years;

(3) Revise enclosures 1 and 2 to ensure they meet DoD needs; and

(4) When appropriate, authorize other departments and agencies of the Executive Branch to apply the guidelines of this part to DoD information in their possession.

(b) The Head of each DoD Component shall:

(1) Recommend changes to enclosures 1 and 2 of this part;

(2) Propose, with respect to specific programs, projects, and systems under their classification jurisdiction, supplements to enclosures 1 and 2 of this part;

(3) Ensure that the records of the Component that have not been accessioned by the Archivist of the United States and, upon request of the Archivist, those that have been accessioned are reviewed by DoD personnel designated for the purpose in accordance with this part; and

(4) Provide advice and assistance to the Archivist of the United States in the systematic review of records under this part.

(c) The Director, National Security Agency shall develop, for approval by

the Secretary of Defense, special procedures for systematic review and declassification of classified cryptologic information.

(d) The Archivist of the United States is authorized to apply this part when reviewing 20-year-old DoD classified information that has been accessioned into the Archives of the United States.

Enclosure 1—Categories of Information To Be Reviewed for Declassification

The following categories of information shall be systematically reviewed for declassification by designated DoD reviewers in accordance with this part:

A. Nuclear propulsion information.

B. Information concerning the establishment, operation, and support of the U.S. Atomic Energy Detection System, unless otherwise specified by the Joint Department of Energy—Department of Defense Classification Guide for the Nuclear Test Detection Satellite.

C. Information concerning the safeguarding of nuclear materials or facilities.

D. Information which could affect the conduct of current or future U.S. foreign relations such as plans (whether or not executed) and programs relating to current international security affairs.

E. Information that could affect the current or future military usefulness of policies, programs, weapon systems, operations, or plans.

F. Research, development, test, and evaluation of chemical and biological weapons and defensive systems; specific identification of chemical and biological agents and munitions; and chemical and biological warfare plans.

G. Information concerning the following naval systems:

1. Conventional surface ship information:

a. Vulnerabilities of protective systems, specifically:

(1) Passive protection information concerning ballistic torpedo and underbottom protective systems.

(2) Weapon protection requirement levels for conventional, nuclear, biological, or chemical weapons.

(3) General arrangements, drawings, and booklets of general plans (applicable to carriers only).

b. Ship silencing information relative to:

(1) Signatures (acoustic, seismic, infrared, magnetic (including alternating magnetic (AM), pressure, and underwater electric potential (UEP)).

(2) Procedures and techniques for noise reduction pertaining to an individual ship's component.

- (3) Vibration data relating to hull and machinery.
- d. Operational characteristics related performance as follows:
 - (1) Endurance and total fuel capacity.
 - (2) Tactical information, such as times of ship turning, zero to maximum speed, and maximum to zero speed.
2. All information that is uniquely applicable to nuclear-powered surface ships or submarines.
3. Information concerning diesel submarines as follows:
 - a. Ship silencing data or acoustic warfare systems relative to:
 - (1) Oversight, platform, and sonar noise signature.
 - (2) Radiated noise and echo response.
 - (3) All vibration data.
 - (4) Seismic, magnetic (including AM), pressure, and UEP signature data.
 - b. Details of operational assignments, e.g., war plans, anti-submarine warfare (ASW), and surveillance tasks.
4. Sound Surveillance System (SOSUS) data.
5. Information concerning mine warfare, mine sweeping, and mine countermeasures.
6. Electronic countermeasures (ECM) or electronic counter-countermeasures (ECCM) features and capabilities of any electronic equipment.
7. Torpedo information as follows:
 - a. Torpedo countermeasures devices: F-MK6 (FANFARE) and NAE beacons.
 - b. Tactical performance, tactical doctrine, and vulnerability to countermeasures.
8. Design performance and functional characteristics of guided missiles, guided projectiles, sonars, radars, acoustic equipments, and fire control systems.
- H. Information concerning or revealing escape, evasion, cover, or deception plans, procedures, and techniques.
- I. Information that reveals sources and methods of intelligence, counterintelligence activities, identities of clandestine human agents, methods of special operations, and analytical techniques for the interpretation of intelligence data.
- J. Information concerning electronic intelligence, telemetry intelligence, and electronic warfare (electronic warfare support measures, electronic countermeasures, electronic counter-countermeasures) or related activities to include:
 1. Information concerning or revealing nomenclatures, functions, technical characteristics, or descriptions of foreign communications and electronic equipment, its employment/deployment,

and its association with weapon systems or military operations.

2. Information concerning or revealing the processes, techniques, operations or scope of activities involved in acquiring, analyzing, and evaluating the above information, and the degree of success obtained.

K. Cryptologic information (including cryptologic sources and methods) currently in use. This includes information concerning or revealing the processes, techniques, operations, and scope of signals intelligence comprising communications intelligence, electronics intelligence, and telemetry intelligence; and the cryptosecurity and emission security components of communications security, including the communications portion of cover and deception plans.

1. Recognition of cryptologic information may not always be an easy task. There are several broad classes of cryptologic information, as follows:

a. Those that relate to communications security (COMSEC). In documentary form, they provide COMSEC guidance or information. Normally, COMSEC documents and materials are accountable under the "Communications Security Material Control System." Examples are: items bearing "TSEC" nomenclature ("TSEC" plus three letters), "Crypto Keying Material" for use in enciphering communications, Controlled COMSEC Items (CCI), and cryptographic keying devices.

b. Those that relate to signals intelligence (SIGINT). These appear as reports in various formats that bear security classification, sometimes followed by a five-letter codeword (World War II's ULTRA, for example) and often carry warning caveats such as "This document contains codeword material," "Utmost secrecy is necessary . . .". Formats will appear, for example, as messages having addressees, "from" and "to" sections, and as summaries with SIGINT content with or without other kinds of intelligence and comment.

c. Research, development, test, and evaluation reports and information that relate to either COMSEC or SIGINT.

2. Commonly used words that may help in identification of cryptologic documents and materials are "cipher," "code," "codeword," "communications intelligence" or "COMINT," "communications security" or "COMSEC," "cryptanalysis," "crypto," "cryptography," "cryptosystem," "decipher," "decode," "decrypt," "direction finding," "electronic intelligence" or "ELINT," "electronic security," "encipher," "encode," "encrypt," "intercept," "key book,"

"signal intelligence" or "SIGINT," "signal security," and "TEMPEST."

Enclosure 2—Declassification considerations

A. Technological developments; widespread public knowledge of the subject matter; changes in military plans, operations, systems, or equipment; changes in the foreign relations or defense commitments of the United States and similar events may bear upon the determination of whether information should be declassified. If the responsible DoD reviewer decides that, in view of such circumstances, the public disclosure of the information being reviewed would no longer result in at least identifiable damage to the national security, the information must be declassified.

B. The following are examples of considerations which may be appropriate in deciding whether information in the categories listed in enclosure 1 may be declassified when it is reviewed:

1. The information no longer provides the United States a scientific, engineering, technical, operational, intelligence, strategic, or tactical advantage over other nations.

2. The operational military capability of the United States revealed by the information no longer constitutes a limitation on the effectiveness of the armed forces.

3. Information pertinent to a system is no longer used or relied on for the defense of the United States or its allies.

4. The program, project, or system information no longer reveals a current weakness or vulnerability.

5. The information pertains to an intelligence objective or diplomatic initiative that has been abandoned or achieved, and will no longer damage the foreign relations of the United States.

6. The information reveals the fact or identity of a United States intelligence source, method, or capability that is no longer employed and that relates to no current source, method, or capability that upon disclosure could cause at least identifiable damage to national security or place a person in immediate jeopardy.

7. The information concerns foreign relations matters the disclosure of which can no longer be expected to cause or increase international tension to the detriment of the national security of the United States.

C. Declassification of information that reveals the identities of clandestine human agents shall only be accomplished in accordance with